

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT CLEVELAND

DIANA WHITE,

Plaintiff,

vs.

LELAND COURTNEY AND FBNT, LLC,

Defendants.

CASE NO. 1:20-cv-1976

JUDGE

NOTICE OF REMOVAL

Come now Defendants Leland Courtney and FBNT, LLC, by and through counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and give notice of removal of this action from the Common Pleas Court for Lorain County, Ohio to the United States District Court for the Northern District of Ohio, Eastern Division at Cleveland, and in support thereof, states as follows:

REMOVAL IS TIMELY & CONSENT TO REMOVAL

1. On August 10, 2020, Plaintiff Diana White (“White”) commenced a civil action against Defendants Leland Courtney (“Courtney”) and FBNT, LLC (“FBNT”) in the Common Pleas Court for Lorain County, Ohio, under Case Number 20CV201615, which was captioned as *Diana White v. Leland Courtney, et al.* (“the state court action”). A true and accurate copy of the complaint is attached as **Exhibit A**.

2. On August 24, 2020, Courtney and FBNT were served with the summons and complaint in the state court action.

3. Therefore, this notice of removal is filed timely within 30 days of service of process upon Courtney and FBNT, as required by 28 U.S.C. § 1446(b)(1).

4. Courtney and FBNT consent to removal, as required by 28 U.S.C. § 1446(b)(2)(A).

5. Pursuant to 28 U.S.C. § 1446(d), upon filing this notice of removal, Courtney and FBNT will file a notice of filing of notice of removal in the Common Pleas Court for Lorain County, Ohio. A true and accurate copy of the notice of filing of notice of removal is attached as **Exhibit B**.

COMPLETE DIVERSITY OF CITIZENSHIP EXISTS

6. White, the plaintiff, is a citizen of the State of Ohio.
7. Courtney, a defendant, is a citizen of the State of Missouri.
8. FBNT, a defendant, is citizen of the State of Missouri.
9. FBNT is a limited liability company formed under the laws of the State of Missouri, and FBNT has its principal place of business in the State of Missouri.
10. Courtney and his wife, Marilyn J. Courtney, are citizens of the State of Missouri, and they are the only two members of FBNT.
11. Therefore, complete diversity of citizenship exists because the plaintiff and the defendants are citizens of different states.

AMOUNT-IN-CONTROVERSY IS SATISFIED

12. In paragraph two of the complaint, White alleges that Courtney was negligent in causing a motor vehicle accident which proximately caused White to sustain “injuries to her back, neck, [s]houlder, head and other body parts, some of which are continuing and permanent in nature. White alleges that FBNT is vicariously liable for Courtney’s alleged negligence.
13. In paragraph three of the complaint, White alleges that she has incurred approximately \$40,000 in past medical expenses and that she expects to incur further expenses.

14. In paragraph four of the complaint, White alleges that she “has experienced and will continue to experience physical pain and suffering, mental anguish and a diminished quality of life.”

15. If White proves all of her damages, her damages are more likely than not to exceed \$75,000, exclusive of interest, costs, expenses, and attorneys’ fees.

16. Therefore, the amount-in-controversy in the state court action exceeds \$75,000, and the amount-in-controversy requirement is satisfied for removal.

THIS COURT HAS DIVERSITY JURISDICTION

17. Based on the above, this Court has original subject matter jurisdiction over this action, pursuant to 28 U.S.C. § 1332, because the complaint presents a case where the amount-in-controversy exceeds \$75,000 and the controversy exists between citizens of different states.

18. The defendants each consent to removal, and removal is timely.

19. A copy of the docket and all process and pleadings which have been filed in the state court action, including the complaint, are attached hereto as **Exhibit C**.

20. Defendants will promptly file a notice of filing of notice of removal with Clerk of Court for Lorain County, Ohio, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants Leland Courtney and FBNT, LLC, by and through counsel, pray that this Court accept this notice of removal and that this Court assume jurisdiction over this action.

Respectfully submitted,

s/ Chad M. Sizemore

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*Attorney for Defendants Leland Courtney
and FBNT, LLC*

CERTIFICATE OF SERVICE

On this September 2, 2020, I certify that I served a true and accurate copy of the foregoing Notice of Removal, by regular U.S. Mail, upon:

Kenneth R. Hurley
12351 Prospect Road
Strongsville, OH 44149
Attorneys for Plaintiff

/s/ Chad M. Sizemore

CHAD M. SIZEMORE